IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6186 OF 2005

Mr. Nitin D. Nashikkar ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr. Girish Kulkarni i/by M/s Tamhane & Co. for the Applicant.
Ms M.H. Mhatre, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 28, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant is seeking Anticipatory Bail in connection with an offence registered in the year 1999 under sections 408, 420, 467, 468, 471, 477 and 120-B of the Indian Penal Code. The offence has been registered on the basis of special report submitted by the auditor. For the offence registered in the year 1999, Application for Anticipatory Bail was filed in the Sessions Court in the year 2005.

2. The learned Advocate for the Applicant submitted that for the offence of the year 1999 which is based on report of the auditor, the Applicant cannot be subjected to arrest in the year 2005. He pointed out that the offence relates to the period from the year 1989 to 1994.

3. The learned A.P.P. on instructions stated that investigation has been completed and chargesheet is likely to be filed within a short time.

4. Considering the aforesaid statement, it is apparent that for the offence registered in the year 1999, custodial interrogation of the Applicant is not required. Hence, a case is made out for grant of Anticipatory Bail. Accordingly, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with C.R.No.24 of 1999 registered with G.B.C.B. C.I.D.-Economic Offences Wing, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so till the filing of the chargesheet.

iii) The Bail is granted subject to condition that the Applicant shall not, direclty or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investiating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE